REMARKS

Claims 1-7 and 9-19 are pending. Claims 1, 9, 10, 17 and 18 are independent claims.

Claim 1-7 and 9-19 stand rejected.

Claim 20 has been newly added and depends from claim 1. Claim 20 is supported by the original specification, for example, paragraph 38 where an embodiment is described having the control unit 30 programmed to detect certain pre-determined gestures of a person and make adjustments to the signal sent to the PBX 20 based upon the detected gestures. For example two fingers held up may indicate the person does not what to be disturbed by a phone call and a call should not be routed to the person's location.

None of the prior art discloses or even suggests the features of claim 20.

Applicant's independent claims have been amended to clarify the claimed invention. For example, claim 1 recites that a call is routed based upon the image processing. Claim 10 recites determining, based upon the identified known persons from the captured images, a respective one of the regions for routing the incoming call upon identifying the desired recipient. The claim amendments are supported by the specification, for example paragraphs 30-34. No new matter is entered.

Applicant's background of the specification has identified a problem with the prior art, including the prior art Yacenda identified in the Office Action. Prior art locations systems for routing calls rely upon user action, for example, applicant's paragraph 5 describes a user must carry a transceiver (badge) to provide a signal to a nearby receiver. A user may forget to carry the transceiver, lose it, have other use it or leave it somewhere, all of which would defeat the system of the prior art.

Thus, Applicant's claimed invention overcomes the deficiencies of the prior art by routing a call to a location of an intended recipient without the intended recipient required to take action or carry a badge or transceiver.

Claim Rejections

In the final Office Action, claims 1-7 and 9-19 are rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent 5,822,418 to Yacenda et al. ("Yacenda") in view of U.S. Patent 5,031,228 to Lu. For at least the following reasons, it is respectfully requested the rejections be withdrawn.

Applicant's claim 1, for example, includes the feature of the control unit being operative to automatically route an incoming call, based upon the image processing. As pointed out below the combination of references fails to teach or suggest this feature. Yacenda teaches routing a call based upon the location of a badge. Lu is not related to routing a call based upon an image.

Furthermore applicant's claimed invention is directed to solving a problem found in the prior art, particularly the Yacenda reference. Nowhere do the references provide a suggestion or motivation to make the proposed combination of references. The nature of the problem to be solved is clearly different since Yacenda is trying to track badges/persons to forward calls to them hoping the badge is with the person; but Yacenda suffers from the problem to be overcome by the claimed invention and mentions nothing of people who may forget their badge or alternative embodiments.

Lu is not even remotely related to routing calls based upon captured images or image processing. The problem to be solved by Lu is how to identify a person in a viewing audience using image processing. Lu is directed specifically for recognizing the identity of individual

members of a viewing audience and has nothing the do with routing a call based on the results of image processing.

Additionally, one skilled in the art, in reading Lu, would be lead away from image recognition because Lu points out problems. Lu itself recognizes problems with image recognition systems in col. 1, lines 61-68 where it is admitted conventional image systems are "impractical and uneconomical."

Furthermore, the applicants provide plenty of examples in the specification of image recognition references, for example, paragraphs 28 and 52-58. None of the references in the specification suggests the combination of references and Lu adds nothing and, in fact, teaches away from using image systems.

The MPEP 2143 requires to establish a *prima facie* case of obviousness -- three basic criteria must be met:

First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.

Second, there must be a reasonable expectation of success.

Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

This rejection fails on all three of the tests. First, there is no motivation or suggestion in either of the references or in the knowledge generally available to one of ordinary skill in the art. If such knowledge of making a combination of routing a call based upon a processed image was so generally available to one skilled in the art, then certainly a reference should be presented which teaches or at least suggests applicant's claimed features.

Second, there is no reasonable expectation of success because Lu itself teaches conventional image systems are "impractical and uneconomical." It is respectfully submitted both the suggestion and reasonable expectation of success are found in applicant's own disclosure and not the prior art or general knowledge to one skilled in the art.

Third, the combination of references does not teach all the limitations of the claimed invention. Applicants claim automatically routing an incoming call, based upon the image processing, in claim 1. In the Office Action it is acknowledged that Yacenda does not teach the use of images to identify known persons, but uses a badge. However routing a call to a location of a badge is different from image processing and routing a call based upon the result of the image processing. Applicant submits that Yacenda teaches routing the call based upon the location of a badge and not upon the image identified location of a person.

Yacenda has no means of knowing if the intended person is actually with the badge at the badge location. The badge could be sitting at an empty desk or another person could have taken the badge. In contrast, applicants' claimed invention has the advantage of image identifying a person and routing to the image identified person.

Lu, of course, does not remedy the drawback of Yacenda, as discussed above. Lu teaches identifying persons in a viewing audience and mentions nothing of routing a call based upon the result of the image processing. Accordingly, the cited combination would NOT yield a structure as recited by claim 1 for the above-discussed reasons. Withdrawal and reconsideration of the 35 U.S.C. 103(a) rejection of Claim 1 are in order.

Claims 2-7 depend from Claim 1 and include at least the distinguishing features of claim 1 and further distinguishing features not found in the combination of references.

Independent Claim 9 has been amended to recite at least some of the limitations discussed with reference to Claim 1. Claim 9 also includes the patentable combination of elements, where the combination is not suggested by the prior art. Claim 9 is patentable over a combination of cited references.

Independent Claim 10 has been amended to include limitations substantially similar to at least some of the limitations of Claim 1 as discussed above. Claim 10 also includes the patentable combination of elements, where the combination is not suggested by the prior art. Accordingly, Claim 10 and Claims 11-16 depending from Claim 10 are patentable over the Yacenda/Lu combination.

Claim 17 likewise has features, which, based on the discussion related to Claim 1, is unobvious in view of the Yacenda/Lu combination.

Claims 18-19 are rejected under 35 U.S.C. §103(a) as unpatentable over Yacenda in view of Lu and further in view of EP0905956 to Griffith.

Griffith does not remedy the drawbacks of the cited combination of Yacenda and Lu, and does not render Claim 18 obvious.

In addition, claim 18 recites the control unit directs an incoming call to a region where any person is detected without an input by a caller.

The Office Action argues on page 6 that Griffith discloses routing the call to another closest agent. However, this is completely different from applicants' claimed invention.

Applicants claim a region where any person is detected. Griffith states to a closest agent and teaches nothing of a region where any person is detected. Clearly, Griffith fails to teach applicants' features of claim 18.

Claim 19 depends upon Claim 1 and benefits from its patentability.

The rejection of Claims 18 and 19 is respectfully requested to be withdrawn.

Conclusion

Based on all of the above, it is respectfully submitted that the present application is in proper condition for allowance. Prompt and favorable action to this effect, and early passing of this application to issue, are respectfully urged.

Should the Examiner have any comments, questions, suggestions or objections, the Examiner is respectfully requested to telephone the undersigned in order to facilitate reaching a resolution of any outstanding issues.

In the event that the fees submitted prove to be insufficient in connection with the filing of this paper, please charge our Deposit Account Number 50-0578 and please credit any excess fees to such Deposit Account.

Respectfully submitted,

Date: January 12, 2007

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